## REMARKS

Reconsideration and allowance of the present application is respectfully requested in view of the foregoing amendments and the following additional remarks which have addressed all the issues raised in the June 02, 2005, Office Action or otherwise have rendered them moot.

Claims 1-4, 6 – 7, and 9 are now under consideration in this application.

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

Claims 1-3, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Friedl-Hajek as evidenced by Gajhede et al. (Clinical and Experimental Allergy, 1999, Vol. 29, pages 478-487).

Claims 1-5, 7 and 9 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,878,376.

The claim amendments are in order to more particularly define and distinctly claim applicant's invention and/or to better recite or describe the features of the present invention as claimed. No new matter is believed to be added.

### *Rejections under 35 U.S.C. § 112, First Paragraph*

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner asserts that the base claim is drawn to any peptide fragment of any allergen that has 3 successive solvent exposed amino acids and as such could be read upon thousands of known allergen peptides.

Claim 1, the base claim, has now been amended to read directly on birch pollen allergen Bet v 1. It is believed that this ground for rejection is now moot and should be withdrawn.

### *Rejections under 35 U.S.C. § 102(b)*

Claims 1-3, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Friedl-Hajek as evidenced by Gajhede et al. (Clinical and Experimental Allergy, 1999, Vol. 29, pages 478-487). According to the Examiner, Friedl-Hajek

discloses peptides that are derived from Bet v 1, wherein said peptides are 12 – 22 amino acids in length. The Examiner further asserts that Gajhede et al., discloses the solvent exposed residues in Bet v1, and at least peptide 31 – 51 as disclosed in Friedl-Hajek, meeting the limitation of three consecutive solvent exposed amino acids. Applicants respectfully disagree and now traverse as follows.

The combination of Gajhede et al. and Friedl-Hajek is improper. Anticipation under 35 U.S.C. § 102(b) must be found only in a single reference. The scientific article of Gajhede et al. describes the X-ray and NMR structure of Bet v 1 and does not in anyway describe all the elements of independent claim 1.

Similarly, the disclosure of Friedl-Hajek deals with T-cell epitopes of Bet V 1 and is completely different from the present invention. Peptides of the Friedl-Hajek disclosure when injected into a patient do not induce any relevant antibody response but only an activation of T-cells or the induction of tolerance in T-cells. As a result, a pharmaceutical composition of the Friedl-Hajek peptides differs from a pharmaceutical composition of the present invention.

At the first paragraph of page 7 of the specification, Applicants clearly and distinctly distinguished their invention from the Friedl-Hajek disclosure. Basically, the administration of free, soluble T-cell epitope containing peptides as described by Friedl-Hajek aims at inducing tolerance or at switching towards Th1 responses. On the contrary, the inventors of the present invention used adjuvant-bound, surface exposed peptides for the focusing of blocking IgG antibodies to solvent-exposed allergen domains which can be principal targets for IgE antibodies. Because the peptide of Friedl-Hajek are derived from T-cell epitopic targeting as contrasted with IgG epitopic targeting of the current invention, the peptides of Friedl-Hajek are biologically and as mentioned above, pharmacologically different from those of the pharmaceutical composition of the present invention. As such, Applicants submit that Friedl-Hajek does not teach identically what is disclosed and this ground for rejection should therefore be withdrawn.

*Rejections under 35 U.S.C. § 102(e)*

Claims 1-5, 7 and 9 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,878,376. The Examiner asserts that the '376 patent

teaches peptide fragments of the allergen protein that are within the range 8-50 amino acids in length, can be truncation mutants, in pharmaceutical compositions, with adjuvant, and wherein one mutant peptide can be made by a discrete point mutation or one or more amino acid substitutions. While admitting that the '376 patent does not specifically state solvent exposed residues in its peptides, the Examiner asserts that the '376 patent discloses selecting peptides with amino acids that are hydrophilic and are likely to interact with antibodies.

Applicants disagree with the Examiner's characterization of the '376 patent. However, further argument in traversal is now moot since the base claim has been amended to specifically and distinctly claim Bet v 1 as an element of the claim. Since the '376 patent relates to an antigen derived from bee venom (Api m 6), there is no basis for maintaining a 35 U.S.C. § 102 rejection and this ground for rejection should now be withdrawn.

## CONCLUSION

All of the stated grounds for rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn and the claims allowed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

REED SMITH, LLP

Date: _____

By: _____
Toni-Junell Herbert
Reg. No. 34, 348

Date: Sept 01/2005

By: _____
Christopher E. Aniedobe
Reg. No. 48, 293

1301 K Street, N.W.
Suite 1100 – East Tower
Washington, DC 20005
(202) 414-9200

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